

Case 1:12-cv-00315-WBC Document 1-1 Filed 09/21/12 Page 1 of 8 PageID #: 5

4. Defendant Advance Stores Company, Inc. ("Advance"), a Virginia corporation, is a chain retailer of automotive parts doing business in Hamilton County, Tennessee. Defendant does business under the name "Advance Auto Parts".

5. The acts complained of herein took place in Hamilton County, Tennessee.

IV. FACTUAL BASES OF PLAINTIFF'S CLAIMS

6. Plaintiff was employed with Defendant from October 2004 until on or about November 9, 2011.

7. Plaintiff began his employment with Defendant as an Assistant Manager, and eventually was promoted to position of General Manager of Defendant's East Ridge, Tennessee store.

8. Towards the end of Plaintiff's employment, Defendant placed a female employee, Leslie Prince, in his store.

9. Ms. Prince expressed her desire to see the East Ridge store free of male employees.

10. Ms. Prince, prior to her transfer to the East Ridge store, had been instrumental in securing the termination of another male manager employed by Defendant.

11. Ms. Prince would frequently comment that she would "have [Plaintiff's] job", just like she had secured the termination of a previous male manager.

12. To that end, during her brief tenure at the East Ridge store, Ms. Prince initiated five separate investigations of Plaintiff based on factually baseless complaints.

13. Plaintiff was cleared in all five of these investigations.

14. Frustrated by Ms. Prince's continuing efforts to get him terminated, Plaintiff complained to Defendant of Ms. Prince's gender bias.

15. Defendant took no steps to discipline Ms. Prince as a result of this complaint.

16. Shortly after making his complaint, Plaintiff was terminated for allegedly stealing a negligible amount of expired candy from his East Ridge store.

V. CAUSES OF ACTION

17. In subjecting Plaintiff to a hostile work environment because of his gender, Defendant is in violation of T.C.A. § 4-21-101, *et seq.*

18. In terminating Plaintiff because of his gender, Defendant is in violation of T.C.A. § 4-21-101, *et seq.*

19. In terminating Plaintiff in retaliation for his complaints of gender discrimination, Defendant is in violation of T.C.A. § 4-21-101, *et seq.*

20. Defendant is responsible for the acts of its supervisory agents.

VI. JURISDICTIONAL PREREQUISITE

21. Plaintiff has filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC"). Plaintiff reserves the right to amend his Complaint to add a cause of action under Title VII of the U.S. Civil Rights Act, as amended, upon receipt of a Notice of Right to Sue.

VII. DAMAGES

22. As a result of the wrongful action of Defendant, Plaintiff has suffered both financially and emotionally. Plaintiff has lost job opportunities, salary and benefits, and has experienced humiliation and embarrassment as a result of Defendant's unlawful actions.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays as follows:

a. That the Court issue and serve process on Defendant and require Defendant to answer within the time prescribed by law;

b. That upon the hearing of this cause, Plaintiff be awarded judgment for damages for lost wages and the value of all employment benefits which he has lost from the date of Defendant's discriminatory actions;

c. That the Court issue an injunction requiring Defendant to re-employ Plaintiff at his former position or at an equivalent job with all employment rights and benefits to which he would have been entitled but for his discharge, and without harassment or illegal conditions imposed on his job, or, in the alternative, front pay and benefits in lieu of reinstatement.

d. That Plaintiff be awarded additional compensatory damages, including damages for humiliation and embarrassment, and emotional distress, as are allowed pursuant to the provisions of T.C.A. §4-21-101, et seq.;


e. That Plaintiff be awarded the costs of this action, pursuant to T.C.A. § 4-21-101, et seq.;

f. That Plaintiff be awarded attorney fees and such other and further relief as the Court deems proper pursuant to T.C.A. §4-21-101, et seq.; and

g. Plaintiff demands a jury to try all claims and issues triable by a jury.

Respectfully submitted,

BURNETTE, DOBSON & PINCHAK

By: 
H. Eric Burnette, BPR No. 24342
Attorneys for Plaintiff
711 Cherry Street
Chattanooga, TN 37402
Tel: (423) 266-2121
Fax: (423) 266-3324

IN THE CHANCERY COURT FOR HAMILTON COUNTY, TENNESSEE

MATTSON L. SMITH

Plaintiff,

v.

ADVANCE STORES COMPANY, INC.
d/b/a ADVANCE AUTO PARTS

Defendant.

Jury Demanded

No. 12-0632

PART

COST BOND

The undersigned acknowledges and hereby binds the undersigned for the payment of all costs in this court which may at any time be adjudged against the Plaintiff in the event said plaintiff shall not pay the same if so ordered by this court.

Witness my hand this 14 day of Aug, 2012.

BURNETTE, DOBSON & PINCHAK

By: [Signature], Surety

711 Cherry St.
Chattanooga, TN 37402
(423) 266-2121 phone
(423) 266-3324 fax

NATIONAL REGISTERED AGENTS, INC.

SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM

To: BETH THOMAS
ADVANCE AUTO PARTS, INC.
5008 AIRPORT ROAD
ROANOKE, VA 24012

SOP Transmittal # **TN23177**

(888) 617-4545 - Telephone

Entity Served: ADVANCE STORES COMPANY, INCORPORATED (Domestic State: VIRGINIA)

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc. or its Affiliate in the State of TENNESSEE on this 23 day of August, 2012. The following is a summary of the document(s) received:

1. **Title of Action:** Mattson L. Smith, Plaintiff v. Advance Stores Company, Inc., Defendant
2. **Document(s) served:** Summons/Citation/Third Party Summons, Complaint/Petition/Third Party Complaint
Other: Cost Bond
3. **Court of Jurisdiction/** Hamilton County Chancery
Case & Docket Number: 12-0632
4. **Amount Claimed, if any:** \$500000 +
5. **Method of Service** (select one):
☐ Personally served by: ☐ Process Server ☐ Deputy Sheriff ☐ U. S Marshall
☒ Delivered Via: ☒ Certified Mail ☐ Regular Mail ☐ Facsimile
(Envelope enclosed) (Envelope enclosed)
☐ Other (Explain):
6. **Date and Time of Receipt:** 8/23/2012 11:08:23 AM CST (GMT -6)
7. **Appearance/Answer Date:** 30 Days
8. **Received From:** H. Eric Burnette
(Name, Address & Telephone Number) Burnette, Dobson & Pinchak
711 Cherry Street
Chattanooga, TN 37402
(423) 266-2121
9. **Federal Express Airbill #** 798808561268
10. **Call Made to:** Not required
11. **Special Comments:**
This SOP was digitally scanned and First Serve notification was sent to: BETH THOMAS.

NATIONAL REGISTERED AGENTS, INC.

Copies To:

Transmitted by John Kitch

The information contained in this Summary Transmittal Form is provided by National Registered Agents, Inc. for informational purposes only and should not be considered a legal opinion. It is the responsibility of the parties receiving this form to review the legal documents forwarded and to take appropriate action.

ORIGINAL



NATIONAL REGISTERED AGENTS, INC.

The Right Choice for Registered Agent Services

Cover Page for TN23177

This file contains **8** pages of graphic image of Legal Process received in the State of **TENNESSEE** on **8/23/2012** for **ADVANCE STORES COMPANY, INCORPORATED**.

The document(s) will be forwarded to the individual designated to receive Service of Process from NRAI. As this document(s) has been separated to enable scanning of the image, the Official Record on file with the Court of Jurisdiction should be relied on as the complete record. NRAI accepts no responsibility or liability for missing or incorrectly collated pages in the reassembly of the served document(s).

State of Tennessee
IN THE CHANCERY COURT FOR HAMILTON COUNTY

MATTSON SMITH
PLAINTIFF
vs.
ADVANCED STORES COMPANY, INC.
DEFENDANT

DOCKET NO. 12-0632

SUMMONS

TO DEFENDANT: ADVANCED STORES COMPANY, INC.
WHOSE ADDRESS IS c/o NATIONAL REGISTERED AGENTS, INC.
2300 HILLSBORO RD., Ste. 305
OTHER SERVICE INFORMATION NASHVILLE TN 37212-4927

You are summoned and required to Answer and make defense to a Complaint herewith served upon you. Your Answer to the Complaint must be filed and served upon plaintiff's attorney on or before thirty (30) days after service of this Summons and Complaint upon you, exclusive of the day of service. Your Answer must be filed in the OFFICE OF THE CLERK & MASTER, 625 Georgia Avenue, Room 300 Courthouse, Chattanooga, Tennessee 37402. You are also required to serve a copy of your Answer upon the plaintiff's attorney, or the *pro se* plaintiff as set out below. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

ISSUED & TESTED this 16 day of August, 2012

S. LEE AKERS, CLERK & MASTER

By: W. Sanders
DEPUTY CLERK & MASTER

H. ERIC BURNETTE 24342
Plaintiff Attorney BPR#
or Plaintiff if no attorney (*pro se*)
BURNETTE, DOBSON & PINCHAK
Address
711 Cherry St.
Chattanooga, TN 37402
(423) 266-2121 (423) 266-3324
Tel. NO. Fax NO.

NOTICE TO DEFENDANT(S)

Tennessee Code Annotated § 26-2-103 provides a \$4,000.00 personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk & Master. The list may be filed at any time and may be changed by you thereafter as necessary; however unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you, would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

A TRUE COPY
S. LEE AKERS Clerk & Master
Chancery Court, Hamilton Co., Tennessee
This 16 day of August, 2012
By: W. Sanders D.C. & M